

145189

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August 26, 1994

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Ms. Marsha A. Adams

SHSM-5J

Responsible Party Search Section

USEPA Region V

77 West Jackson Boulevard

Chicago, Illinois 60604-3590

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AUG 30 1994

SUPERFUND PROGRAM
MANAGEMENT BRANCH

Re: Request for Information Pursuant to Section 104(e) of CERCLA for
the Sauget Area 1 Sites in Sauget Illinois

Dear Ms. Adams:

This office represents Cerro Copper Products Company in conjunction with the above referenced information request. In accordance with agreements reached with Thomas J. Martin of the Office of Regional Counsel, Cerro is required to make an initial production which is to consist of information in Cerro's possession relating to Site G, information relating to other parties potentially responsible for the Area 1 Sites and documents that Cerro has gathered in conjunction with the lawsuit styled Cerro Copper Products Company v. Monsanto Company, currently pending in the United States District Court for the Southern District of Illinois. The balance of Cerro's response to the information request will be due on October 17, 1994.

In accordance with this agreement, we enclose as Attachment 1 documents that Cerro has collected relating to Site G. We enclose as Attachment 2 documents that Cerro has collected relative to other parties potentially responsible for the Area 1 sites. We enclose as Attachment 3 indices either to documents that Cerro has produced to Monsanto from its own files

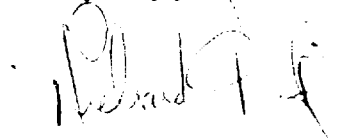
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We note in this regard that the information request calls for production of all documents in Cerro's possession relating to the litigation, including documents obtained in discovery. While Cerro has obtained through discovery a large number of documents from Monsanto which are responsive to your information request, we are currently prohibited from producing those documents by the terms of a Protective Order entered by the Court on November 17, 1993, a copy of which order we previously forwarded to Mr. Martin. Cerro takes very seriously its obligations under section 104(e) of CERCLA to produce responsive information in its possession, custody or control. To that end, Cerro has proposed to Monsanto that both companies agree to waive the Protective Order's provisions precluding disclosure so that each company can respond fully to the information request. Monsanto has not yet responded to this proposal. Production of documents covered by the Protective Order without a waiver by Monsanto or a modification of the Order could place Cerro in contempt of Court. Accordingly, we respectfully request that the Agency excuse Cerro from producing to the Agency those documents that it has received from Monsanto under a designation of confidentiality pursuant to the Protective Order. If the agency is unable to so excuse Cerro, then we request that you so advise us as soon as possible so that, in the event we are unable to reach an agreement with Monsanto, we can advise the Court of the outstanding Agency request and take whatever steps are necessary to assure that we can meet our obligations both to the Agency under section 104 and to the Court under its Protective Order.

We thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard F. Ricci", written over a horizontal line.

Richard F. Ricci

RFR:ljc

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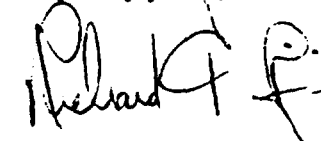
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We thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard F. Ricci", with a stylized flourish at the end.

Richard F. Ricci

RFR:ljc

000107

Sauget Area 1 Site

Cerro Copper Products Co

8/26/94 104(e) partial response (documents responsive to request)

Attachment 1: documents relating to Area G

- A.
1. Cerro to Armstrong et al 6/1/90 (not involved \leq Q)
 2. USEPA to Cerro 12/27/89 (Demand letter)
 3. Gardner et al to PRP Attorneys 11/16/89 (list of PRP Attorneys) (mtg notice)
 4. Cerro internal memo 11/9/89 (mtg notice)
 5. Cerro to IEPA 10/30/89 (RSVP)
 6. IEPA to Cerro 10/16/89 (mtg notice)
 7. Cerro internal memo 10/12/89 (mtg notice)
 8. Cerro internal memo ^{Rev. 1} 10/6/89 (list of documents sent)
 9. " " " 10/5/89 (Monsanto et al Re: IEPA 104)
 10. IEPA to Cerro 8/7/89 (IEPA 104 to Cerro)
 11. Neil Hartigan II AG to PRPs 11/20/89 (RIFS work plan)
 12. Cerro internal memo 11/15/89 (meeting notes \leq sign in sheet \rightarrow draft consent order)
- B.
1. Cerro internal memo 6/10/94 (phone record)
 2. News article 10/1/93 (contaminated flood water)
 3. Cerro internal memo 10/8/93 (flood water sampling)
 4. News article (Env. News) ? (sampling methods)
 5. News article 12/10/92 (sampling)
 6. IEPA Announcement 12/8-9/92 (well h. sample)
 7. Cerro to Gardner et al 7/27/90 (Rockburg's letter to Pl. exp. attached)
 8. Monsanto to Cerro 7/9/90 access agreement
 9. Mearns inter office memo 7/3/90 RIFS estimate
 10. Monsanto to Cerro 6/5/90 PRP meeting notes \leq addendum h.
 11. meeting notes 6/6/90

12. IEPA to Cerro 5/4/90 (mtg confirmation & address)
13. mtg notes 5/31/90 (with sign in & phone #)
14. Lowenstein et al to IEPA 11/30/89 (list of PRPs)
15. Cerro internal memo 3/27/89 (attached IEPA to E&E 3/20/89 Re HRS)
16. Soil Analysis 10/3/90
17. Lowenstein et al to IL AG 12/15/89 (PRP negotiation)
18. monitoring * & maps —

- C
1. Arvendt Group to Cerro 6/20/90 (installation of sampling eqpt)
 2. Cerro to Arvendt Group 6/6/90 (request for installation)
 3. Title Documents

- D
1. News Article * Sampling & Announcements. 12/8-9/92 (Drilling for Samples)
 2. " " 7/30/92 (Companies on Cleanup List)
 3. Cerro to Gardner et al 7/27/90 (cover letter to B7)
 4. Cerro internal Memo 7/23/90 (installation of wells, etc)
 - covering Arvendt letter 7/19/90
 5. Lowenstein et al to IL AG 7/10/90 (PRPs)
 6. Maximon Interoffice Memo 7/3/90 (estimate for R/Fs)

- E
1. Conference Call Re Area I 6/20/90 (notes)
 2. Area I PRP Mtg 6/12/90 (notes & addresses)
 3. Area I PRP & IEPA Mtg 5/31/90 (notes)
 4. IEPA to Cerro 5/4/90 (5/31 mtg announcement)
 5. Cerro internal memo 2/27/90 (call record)
 6. IEPA to Cerro 2/22/90 (mtg announcement)
 7. " " " " (same as E 6)
 8. Cerro internal memo 2/27/90 (same as E 5)
 9. Lowenstein et al to IL AG 1/10/90 (PRP info)

F. 1. Cerro to U.S. EPA	1/7/91	(Payment of Response Costs)
2. Louenstein et al to Cerro	12/27/90	(AOC signed 9/27/90)
3. " " " "	12/12/90	(11/14/90 Fed Reg.)
4. Cerro to Louenstein et al	8/13/90	(AOC signature page)
5. Louenstein et al to Cerro	6/29/90	(Redlined Version of AOC)
6. USEPA to Monsanto	5/21/90	(Cost Recovery AOC Draft)
7. Monsanto to Louenstein et al.	3/15/90	(USEPA Demand Letter - SPH)
8. USEPA to Cerro	12/27/89	(Demand Letter - Cost Summary)
9. Handwritten note	9/11	(USEPA wants \$)
10. Wiese to Monsanto	6/30/87	(payment for 1/3 of fence)
11. Cerro to USEPA Re: QMG	6/24/87	(104(e) response)
12. U.S. EPA to Monsanto	6/87	(voluntary fence bldg.)
13. Cerro to Monsanto	6/15/87	(payment for 1/3 of fence)
attached Monsanto to Wiese + Cerro 6/8/87		(requesting payment)
14. USEPA to Cerro	5/19/87	(104(e))
15. Cerro internal memo	5/14/87	(fence done)
16. Martin et al to Cerro	5/4/87	(site needs a fence)
17. Cerro internal memo	4/27/87	(mtg. summary)
18. Martin et al to USEPA, WMP	4/17/87	(Cerro claims innocent land owner status)
19. USEPA to Cerro	4/16/87	(Notice of emerg. resp.)
20. USEPA to Cerro	4/15/87	(maps of site)

G. 1. Cerro internal memo	9/18/89	(EPA wants oversight ^{cost})
2. Cerro to USEPA	7/29/87	(sent RH on 6/24/87)
3. USEPA to Cerro	7/23/87	(104(e) follow-up)
4. map	—	—
5. Cerro to USEPA	6/24/87	(104(e) & exhibits)
6. F 10		

7. F13 without attachments
8. F14 with annotations
9. F14 without annotations
10. Sign in sheet
12. Handwritten notes
13. F17
14. G10
15. F18
16. F19
17. Description of Corro's land in site G.

H. Analytic Reports from E & E.

Attachment 2: documents collected by Corro relative to other PRPs

- | | | |
|---------------------------------------|----------|---|
| A. Lowenstein et al to IEPA | 11/30/99 | (list of PRPs) |
| 2. Lowenstein et al to IEPA | 3/28/90 | (PRPs based on ownership) |
| 3. Village of Sauget to Corro | 5/21/73 | (Waste Treatment cost distrib) |
| 4. Village of Sauget to Board of Dir. | 1/18/73 | (Waste Treatment ¹⁹⁷² Costs) |

B. 1. Map.

- | | | |
|---|----------------|---|
| 2. Agreement Alton & Sang Railroad | filed 10/19/39 | drainage pipe to Deer Creek
(attached 8/20/24 agreement) |
| 3. Village of Sauget to Corro | 5/21/90 | (easement adjustment) |
| 4. Ordinance 476 | 5/12/81 | (floods) |
| 5. Agreement between Alton RR & Village | 4/27/66 | (sewer) |
| 6. Sewer easement | 11/16/48 | |
| 7. Agreement between Alton RR & Village | 8/20/24 | (drainage pipe to Deer Creek) |
| 8. Baker to Sauget Village Clerk | 9/2/88 | (Village owned easement) |
| 9. Ordinance between Monsanto & Village | 4/7/39 | (easement for sewer) |

B. Lab Reports (4/11/91, 12/17/90)

Exhibit A. Report on the Investigation of Use of Dead Creek, 9/94

1. Request and Answer. (2 copies)

10/14/94 104(e) completed response

5. Gene vs Monarchs IL AG document (15 pages)

4. Gene vs Monarchs Div of Land Roll Cont'd documents (58 pages)

3. Gene vs Monarchs Div of Land Roll Cont'd documents (93 pages)

2. Village of Sought documents (13 pages)

1. Gene documents by top (29 pages) (94 pages)

authenticity or FOIA Request.

Monarchs from Gene files or collected pursuant to 3rd party

Attachment 3: Evidence attn to documents Gene produced to

C. Site Search Dead Creek Area Road 6/11/90 (2 copies)

17. Gene to Baker (Village City) 11/2/89

(cover letter)

16. Gene to Monarchs Sought 11/1/89

History of Monarchs

15. Baker to Village 11/1/89

(cover letter)

14. Baker Eng. to Gene 11/1/89

(pipe installation)

13. Baker to Monarchs 10/31/89

(re: documents)

12. Gene informed Monarchs 5/29/90

(vacating easement to Village)

11. Chart of Jack Ranch.

10. Monarchs to Baker 7/21/89

(attached easement & map)

Exhibit C. Correspondence Re: Landfill Closure.

D. Map of Solid Waste Locations

E. Correspondence Re: Incinerator Permit

F. RCRA Compliance

G. Aerial Photo of Cerro Fill Area

H. 1. Wastewater Discharge Permit '94-96 (8/31/94)

2. " " '92-94 (11/2/92)

I. Map of Cerro Air Pol. Sources & Wastewater Outfalls

J. Lab Reports (8/16/93, 3/22/91)